Case 1:06-cv-00874-MHT-TFM

Document 68

Filed 11/09/2007

Page 6 of 27

AO 133 (Rev. 9/89) Bill of Costs

# UNITED STATES DISTRICT COURT

Fees for service of summons and subpoena		MIDDLE	District of	ALABAMA	
V.    Case Number: 1:06cv874-MHT				BILI	OF COSTS
Case Number: 1:06cv874-MHT  WESTPOINT HOME, INC.  Judgment having been entered in the above entitled action on		CLAUDE GENE LEE			
WESTPOINT HOME, INC.  Judgment having been entered in the above entitled action on 10/11/2007 against Claude Gene Lee the Clerk requested to tax the following as costs:  Fees of the Clerk \$  Fees for service of summons and subpoena 383.  Fees of the court reporter for all or any part of the transcript necessarily obtained for use in the case 1,245.  Fees and disbursements for printing 34.  Fees for witnesses (itemize on reverse side) 1,320.  Fees for exemplification and copies of papers necessarily obtained for use in the case 1,010.3  Docket fees under 28 U.S.C. 1923 1,010.3  Costs as shown on Mandate of Court of Appeals 1,010.3  Compensation of court-appointed experts.  Compensation of interpreters and costs of special interpretation services under 28 U.S.C. 1828 1,010.  Other costs (please itemize) 70TAL \$ 3,993.3  SPECIAL NOTE: Attach to your bill an itemization and documentation for requested costs in all categories.  DECLARATION  1 declare under penalty of perjury that the foregoing costs are correct and were necessarily incurred in this action and that services for which fees have been charged were actually and necessarily performed. A copy of this bill was mailed today with post prepaid to: Jay Tidwell Signature of Attorney: W.W. D. P. W.W.		V.			
requested to tax the following as costs:  Fees of the Clerk \$  Fees for service of summons and subpoena		VESTPOINT HOME, INC.	_	Case Number: 1:06cv874-MH	Γ
Fees for service of summons and subpoena	-	-	itled action on _		de Gene Lee , the Clerk is
Fees of the court reporter for all or any part of the transcript necessarily obtained for use in the case	Fees of the Cler	k			\$
Fees and disbursements for printing	Fees for service	of summons and subpoena			383.32
Fees for witnesses (itemize on reverse side)	Fees of the cour	t reporter for all or any part of the transcri	pt necessarily ob	tained for use in the case	1,245.05
Fees for exemplification and copies of papers necessarily obtained for use in the case	Fees and disburs	sements for printing			34.35
Costs as shown on Mandate of Court of Appeals	Fees for witness	ses (itemize on reverse side)	,		1,320.30
Compensation of court-appointed experts	Fees for exempl	lification and copies of papers necessarily	obtained for use	in the case	1,010.80
Compensation of court-appointed experts	Docket fees und	ler 28 U.S.C. 1923	,		·
Compensation of interpreters and costs of special interpretation services under 28 U.S.C. 1828	Costs as shown	on Mandate of Court of Appeals	•••••		
Other costs (please itemize)  TOTAL \$ 3,993.8  SPECIAL NOTE: Attach to your bill an itemization and documentation for requested costs in all categories.  DECLARATION  1 declare under penalty of perjury that the foregoing costs are correct and were necessarily incurred in this action and that services for which fees have been charged were actually and necessarily performed. A copy of this bill was mailed today with post prepaid to:  Jay Tidwell  Signature of Attorney:  Multiple Actual Signature of Attorney:  Signature of Attorney:  DECLARATION  1 declare under penalty of perjury that the foregoing costs are correct and were necessarily incurred in this action and that services for which fees have been charged were actually and necessarily performed. A copy of this bill was mailed today with post prepaid to:  Signature of Attorney:  Multiple Actual Signature of Attorney:  Mul	Compensation o	of court-appointed experts			
SPECIAL NOTE: Attach to your bill an itemization and documentation for requested costs in all categories.  DECLARATION  1 declare under penalty of perjury that the foregoing costs are correct and were necessarily incurred in this action and that services for which fees have been charged were actually and necessarily performed. A copy of this bill was mailed today with post prepaid to:  Jay Tidwell  Signature of Attorney:  Multiple Partie	Compensation of	of interpreters and costs of special interpret	tation services ur	der 28 U.S.C. 1828	
SPECIAL NOTE: Attach to your bill an itemization and documentation for requested costs in all categories.  DECLARATION  1 declare under penalty of perjury that the foregoing costs are correct and were necessarily incurred in this action and that services for which fees have been charged were actually and necessarily performed. A copy of this bill was mailed today with post prepaid to:  Jay Tidwell  Signature of Attorney:  Multiple Declaration	Other costs (ple	ase itemize)			
l declare under penalty of perjury that the foregoing costs are correct and were necessarily incurred in this action and that services for which fees have been charged were actually and necessarily performed. A copy of this bill was mailed today with post prepaid to:	SPECIAL NOT	E: Attach to your bill an itemization and o	documentation fo		
services for which fees have been charged were actually and necessarily performed. A copy of this bill was mailed today with post prepaid to:    Jay Tidwell		D	ECLARATIO	ON	
$\mathcal{O}$	services for whi prepaid to: <u>Jay</u>	ch fees have been charged were actually a		erformed. A copy of this bill wa	as mailed today with postage
Name of Attorney: Kelly F. Pate	Name o	of Attorney: Kelly F. Pate	<u> </u>		
For: WestPoint Home, Inc. Date: 11/8/2007  Name of Claiming Party	For: WestPo			Date:	11/8/2007
Costs are taxed in the amount of 3,993.82  Debra P. Hackett  By:  Deputy Clerk  Deputy Clerk  Date	Deb	in the amount of 3,993.82  Fra P. Hackett By:	Illi.	am C. D. and include	11/13/07

Case 1:06-cv-00874-MHT-TFM

Document 68

Filed 11/09/2007

Page 7 of 27

WITNESS FEES (computation, cf. 28 U.S.C. 1821 for statutory fees)									
	ATTENDANCE		SUBSISTENCE		MILEAGE		Total Cost		
NAME AND RESIDENCE	Days	Total Cost	Days	Total Cost	Miles	Total Cost	Each Witness		
Frank Major	1	40.00			252	121.94	\$161.94		
Mike Etheridge	4	160.00			234	113.06	\$273.06		
Michael Lingo	4	160.00			217	105.32	\$265.23		
Clara Thomas	4	160.00		<u>.</u> :	276	133.78	\$293.78		
Bob Tumer	4	160.00			342	166.32	\$326.32		
		·							
					TOTAL		\$1,320.30		

## NOTICE

## Section 1924, Title 28, U.S. Code (effective September 1, 1948) provides:

"Sec. 1924. Verification of bill of costs."

"Before any bill of costs is taxed, the party claiming any item of cost or disbursement shall attach thereto an affidavit, made by himself or by his duly authorized attorney or agent having knowledge of the facts, that such item is correct and has been necessarily incurred in the case and that the services for which fees have been charged were actually and necessarily performed."

#### See also Section 1920 of Title 28, which reads in part as follows:

"A bill of costs shall be filed in the case and, upon allowance, included in the judgment or decree."

### The Federal Rules of Civil Procedure contain the following provisions:

Rule 54 (d)

"Except when express provisions therefor is made either in a statute of the United States or in these rules, costs shall be allowed as of the course to the prevailing party unless the court otherwise directs, but costs against the United States, its officers, and agencies shall be imposed only to the extent permitted by law. Costs may be taxed by the clerk on one day's notice. On motion served within 5 days thereafter, the action of the clerk may be reviewed by the court."

## Rule 6(e)

"Whenever a party has the right or is required to do some act or take some proceedings within a prescribed period after the service of a notice or other paper upon him and the notice or paper is served upon him by mail, 3 days shall be added to the prescribed period."

## Rule 58 (In Part)

"Entry of the judgment shall not be delayed for the taxing of costs."